

AMENDMENTS TO THE CLAIMS

This listing of the claims replaces all prior versions of the claims in the instant application.

1.-48. (Canceled)

49. (Currently amended) An isolated toxin that is active against European corn borer, wherein said toxin comprises an amino acid sequence that has at least 97% sequence identity with SEQ ID NO: 2 and wherein the C-terminus of said toxin comprises amino acids 661-788 of SEQ ID NO: 2.[:]

- ~~a) comprises amino acids 661-788 of SEQ ID NO: 2; or~~
- ~~b) comprises an amino acid sequence that has at least 91% identity with SEQ ID NO: 2; or~~
- ~~c) is produced by the expression of a nucleic acid molecule comprising a nucleotide sequence that has a complement that hybridizes to nucleotides 1981-2367 of SEQ ID NO: 1 in 7% sodium dodecyl sulfate (SDS), 0.5 M NaPO₄, 1 mM EDTA at 50°C. with washing in 0.1XSSC, 0.1% SDS at 65°C.; or~~
- ~~d) is produced by the expression of a nucleic acid molecule comprising a nucleotide sequence that is isocoding with the nucleotide sequence of (c); or~~
- e) a) is produced by the expression of a nucleic acid molecule comprising a nucleotide sequence that has at least 93% sequence identity with SEQ ID NO: 1.

50.-57. (Canceled)

58. (Previously amended) The isolated toxin according to claim 49 comprising an amino acid sequence which has at least 99% identity with SEQ ID NO: 2.

59. (Previously amended) The isolated toxin according to claim 49 comprising the amino acid sequence set forth in SEQ ID NO: 2, SEQ ID NO: 11, or SEQ ID NO: 32.

60. (Previously amended) The isolated toxin according to claim 59 comprising SEQ ID NO: 2.

61. (Previously amended) The isolated toxin according to claim 59 comprising SEQ ID NO: 11.

62. (Previously amended) The isolated toxin according to claim 59 comprising SEQ ID NO: 32.

63. -72. (Canceled)

73. (Previously amended) The isolated toxin according to claim 49, wherein said toxin is produced by the expression of a nucleic acid molecule comprising SEQ ID NO: 1, SEQ ID NO: 3, SEQ ID NO: 10, SEQ ID NO: 31, or SEQ ID NO: 33.

74. (Original) The isolated toxin according to claim 73, wherein said toxin is produced by the expression of a nucleic acid molecule comprising SEQ ID NO: 1.

75. (Original) The isolated toxin according to claim 73, wherein said toxin is produced by the expression of a nucleic acid molecule comprising SEQ ID NO: 3.

76. (Previously amended) The isolated toxin according to claim 73, wherein said toxin is produced by the expression of a nucleic acid molecule comprising SEQ ID NO: 10.

77. (Previously amended) The isolated toxin according to claim 73, wherein said toxin is produced by the expression of a nucleic acid molecule comprising SEQ ID NO: 31.

78. (Previously amended) The isolated toxin according to claim 73, wherein said toxin is produced by the expression of a nucleic acid molecule comprising SEQ ID NO: 33.

79. (Canceled)

80. (Previously amended) The isolated toxin according to claim 49, wherein said toxin is active against a lepidopteran insect selected from the group consisting of *Plutella xylostella* (diamondback moth), *Spodoptera frugiperda* (fall armyworm), *Agrotis ipsilon* (black cutworm), *Helicoverpa zea* (corn earworm), *Heliothis virescens* (tobacco budworm), *Spodoptera exigua* (beet armyworm), *Pectinophora gossypiella* (pink boll worm), *Trichoplusia ni* (cabbage looper), *Cochyles hospes* (banded sunflower moth), and *Homoeosoma electellum* (sunflower head moth).

81.-89. (Canceled)

90. (Previously amended)) An insecticidal composition comprising the toxin according to claim 49.

91.-94. (Canceled)

95. (Original) A method of controlling insects, comprising delivering to said insects an effective amount of the toxin according to claim 49.

96. (Canceled)

97. (Previously amended) The method of claim 95, wherein said toxin is active against lepidopteran insects selected from the group consisting of: *Plutella xylostella* (diamondback moth), *Spodoptera frugiperda* (fall armyworm), *Agrotis ipsilon* (black cutworm), *Helicoverpa zea* (corn earworm), *Heliothis virescens* (tobacco budworm), *Spodoptera exigua* (beet armyworm), *Pectinophora gossypiella* (pink boll worm), *Trichoplusia ni* (cabbage looper), *Cochyles hospes* (banded sunflower moth), and *Homoeosoma electellum* (sunflower head moth).

98. (Original) The method of claim 95, wherein said toxin is delivered to the insects orally.

99.-120. (Canceled)